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To: The Massachusetts Department of Energy Resources (DOER)  
From: Conservation Services Group  
RE: Green Communities Act Emergency Regulations for the Class I Renewable Portfolio Standard (RPS)

**COMMENTS OF CONSERVATION SERVICES  
GROUP INC. ON THE MASSACHUSETTS  
RENEWABLE PORTFOLIO STANDARD CLASS I**

On December 31, 2008, DOER issued the Renewable Portfolio Standard Class I regulations, to implement the provisions of Section 32 of the Green Communities Act. Given the short time period allotted to DOER to publish these Regulations Conservation Services Group (CSG) wants to congratulate DOER in making the deadline. That being said, CSG is pleased to have the opportunity to comment on the Class I RPS regulations.

CSG specifically would like to comment on Section 14.05 (1) (e) 2. More specifically the last sentence of the section which states: “The requirements of this paragraph so not apply to Generation Units for which DOER has received and administratively complete Statement of Qualification Application prior to July 2, 2008.” In reviewing the language CSG believes this language applies to Generation Units

themselves, and not to the output of the Units. Therefore the requirements of Section 14.05(1)(e) (2) would not apply to Generation Units that have submitted complete statement of Qualification Applications prior to July 2, 2008, and are increasing their total output.

CSG has come to this determination for several reasons. Given the complexity of the FCM rules it may prove challenging for a units to divide its capacity commitments. In addition we have reviewed several decision letters for importing Units and a name plate capacity for these units was not stated. For the reasons previously stated, it is CSG belief that section 14.05(1)(e) (2) does not apply to Generation Units with administratively complete SQA prior to July 2, 2008, as it was the Unit that was approved not a specific capacity amount.

CSG would like to comment on an issue on which the current regulations, as drafted, appear to be silent on. Under the Regional Greenhouse Gas Initiative (RGGI) fossil fuel regulated units can comply by burning a qualified renewable fuel. It is unclear to CSG whether these units in addition to complying with RGGI could be approved as a co-firing unit under the new RPS Class I regulations? Under RGGI renewable generators connected to the grid would not be awarded RGGI offsets because this would be considered “double counting”, because they are already receiving RECs. It is unclear whether state air and energy regulators have considered how to apply this double counting test in the situation where a RGGI regulated generator is credited for lowering carbon emissions via co-firing with a qualified renewable fuel or by construction of a

renewable generating unit on the site of a regulated fossil fuel facility. Would such an activity be eligible or ineligible for MA RPS Class I RECs?

Again, CSG wishes to thank DOER for the opportunity to comment on these emergency regulations.

Respectfully Submitted,

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